

REMARKS

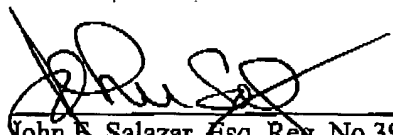
Reconsideration of the above referenced application is hereby requested. Claims 1, 4-17, 31 and 32 remain pending in the present application.

Applicant's Attorney appreciates the discussion with the Examiner regarding the above referenced application and pending claims. As mentioned during the discussions, Applicant's Attorney notes that the Gibson reference, U.S. Patent No. 3,878,850 (the '850 Patent), discloses using a film material which contains no tobacco therein. (See Examples 1-10, cols. 3-6). This film is combined with flue-cured tobacco to give blends containing 70, 60 and 50% of tobacco. The Examiner has further noted col. 1, lines 61-65 wherein the '850 Patent discloses: "The invention is of particular value with substrates comprising blends of tobacco with artificial smoke-producing substrates since these frequently require fortification with nicotine in order that the smoker may receive a degree of satisfaction comparable to that received from tobacco itself. Blends containing up to 80 percent of tobacco are particularly amenable." The disclosure also previously utilizes the term 'substrates' when describing methods for measuring the pH of whole tobacco smoke and how similar methods may be used for smoke from other substrates. Thus, the specification utilizes this term, substrates, in defining the testing material, and the term is not being utilized as a definition for a formed film material utilized in the examples. This is supported additionally by the claims which set forth a smoking mixture comprising a smoke producing substrate, the substrate being the entire combined material of the film blended with the added tobacco. Additionally, the tobacco content ranges are further supported (up to 80% as cited by the Examiner in col. 1) as matching closely those tobacco blend compositions noted in the Examples. (See Example 1

wherein a 70% tobacco blend is noted). Thus, the teaching of the '850 reference requires that the film produced and *subsequently* blended with tobacco does not contain tobacco in it itself as is presently claimed. Applicant's Attorney therefore respectfully request that the Examiner remove the prior rejections and pass the pending claims onto allowance. However, if the Examiner feels there are additional issues related to the present case, Applicant's Attorney would appreciate a collect call to discuss such issues.

Respectfully submitted,

MIDDLETON REUTLINGER



John F. Salazar, Esq., Reg. No. 39,353
2500 Brown & Williamson Tower
Louisville, KY 40202
(502) 584-1135 phone
(502) 561-0442 fax